

06-21-01

GP/3736

FORM PTO-4083



Attorney Docket No.: 102.0003-04000

Customer No. 22882

Express Mail Label No. EL849519570US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Gary Karlin Michelson, M.D.

Serial No: 09/626,636

Filed: July 27, 2000

For: APPARATUS AND METHOD OF INSERTING  
SPINAL IMPLANTSArt Unit: 3731  
Examiner: U. Ho

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JUN 25 2001

TECHNOLOGY CENTER R3700

T-H  
6-29-01  
#5/Ext  
of  
file  
(3 mos)

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Transmitted herewith is an Amendment in response to the Office Action dated December 20, 2000 in the above-identified application.

- ☐ No additional fee is required.
- ☒ Applicant hereby requests a three-month extension of time to respond to the above Office Action.

The fee has been calculated as shown below:

	(Col. 1) CLAIMS REMAINING AFTER AMENDMENT		(Col. 2) HIGHEST NUMBER PREVIOUSLY PAID FOR	(Col. 3) PRESENT EXTRA*	LG/SM \$ ENTITY FEE		ADD'L FEE DUE
TOTAL CLAIMS FEE	65	-	20**	45	LG=\$18 SM=\$9	\$18	\$ 810.00
INDEPENDENT CLAIMS FEE	2	-	3***	0	LG=\$80 SM=\$40	\$80	\$ ---
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIMS					LARGE ENTITY FEE = \$270 SMALL ENTITY FEE = \$135		\$ ---
TOTAL							\$ 810.00

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box on Col. 1 of a prior amendment or the number of claims originally filed.

- ☒ A fee in the amount of \$810.00 to cover the additional claims fee is enclosed.
- ☒ A fee in the amount of \$890.00 to cover the three month extension of time fee is enclosed.
- ☒ A check in the amount of \$1,700.00 to cover the above fees is enclosed.
- ☒ The Commissioner is hereby authorized to charge any deficiencies of fees associated with this communication or credit any overpayment to Deposit Account No. 50-1068. **A copy of this sheet is enclosed.**
- ☒ Any filing fees under 37 C.F.R. § 1.16 for the presentation of extra claims
- ☒ Any patent application processing fees under 37 C.F.R. § 1.17

Respectfully submitted,  
MARTIN & FERRARO, LLP

Date: June 20, 2001

By:

Amedeo F. Ferraro

Registration No. 37,129

Attorney for Applicant(s)

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
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Transmittal of Amendment

(3 mos)  
Jark. Ach



PATENT  
Attorney Docket No. 102.0003-04000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary Karlin Michelson, M.D.

Serial No.: 09/626,636

Filed: July 27, 2000

For: APPARATUS AND METHOD OF  
INSERTING SPINAL IMPLANTS

Group Art Unit: 3731

Examiner: U. Ho

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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Sir:

**CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL**

Express Mail Mailing Label No. EL849519570US

Date of Deposit: June 20, 2001

I hereby certify that:

1. Transmittal Form (in duplicate)
2. Amendment
3. Check in the amount of \$1,700.00 (representing \$810 additional claims fee and \$890 three-month extension fee)
4. Self-addressed stamped return postcard receipt

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: June 20, 2001

14500 Avion Parkway, Suite 300  
Chantilly, VA 20151-1101  
Telephone: 703-679-9300  
Facsimile: 703-679-9303

  
Rebecca K. Kennedy

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary Karlin Michelson, M.D.

Serial No.: 09/626,636

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For: APPARATUS AND METHOD OF  
INSERTING SPINAL IMPLANTS

Assistant Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: 3731

Examiner: U. Ho

THA  
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Sir:

AMENDMENT

In reply to the Office Action dated December 20, 2000, the period for reply  
having been extended for three months by a request for extension and fee payment  
filed concurrently herewith, please amend the application as follows:

IN THE CLAIMS:

Please cancel claim 1 without prejudice or disclaimer of its subject matter and  
add the following new claims:

sub C  
B  
--107. An apparatus for use in performing human spinal surgery for fusing  
vertebral bodies adjacent a disc space comprising:  
a guard having a passage for providing guided access to the disc space and the  
adjacent vertebral bodies, said guard having a proximal end and an opposite distal end,  
said guard having spine engaging portions at said distal end of said guard for holding  
said guard to the spine, said spine engaging portions being substantially in line with